

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JEFFREY GILBERT

Plaintiff,

-v.-

**Civil Action No.
9:03-cv-423 (GLS/GJD)**

GLENN GOORD, et al.

Defendants.

APPEARANCES:

**JEFFREY GILBERT
Plaintiff Pro Se
3309 Maryvale Dr.
Schenectady, New York 12304**

**HON. ELIOT SPITZER
Attorney General of the
State of New York
New York State Department of Law
The Capitol
Albany, New York 12224
Attorney for Defendant Testo**

**JAMES SEAMAN, Esq.
Asst. Attorney General**

**GARY L. SHARPE,
U.S. DISTRICT JUDGE**

ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge Gustave J. DiBianco duly filed June 30, 2005. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

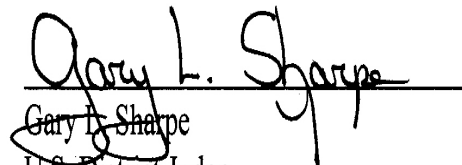
After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is hereby

ORDERED, that the Report-Recommendation of Magistrate Judge Gustave J. DiBianco filed June 30, 2005 is **ACCEPTED** in its entirety for the reasons stated therein, and it is further

ORDERED, that Defendant Testo's Motion for Summary Judgment (Dkt. No. 20) is **GRANTED** and the complaint is **DISMISSED AS AGAINST DEFENDANT TESTO**.

IT IS SO ORDERED

Dated: July 22, 2005
Albany, New York



Gary L. Sharpe
U.S. District Judge